

Brian L. Budsberg  
Chapter 7 Trustee  
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The Honorable Brian D. Lynch  
Location: Tacoma, Washington  
Chapter 7

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

In re:

BROWN, SUSAN KAY

Debtor

Case No. 19-43853-BDL  
*Chapter 7*

TRUSTEE'S OBJECTION TO DEBTOR'S  
REQUEST TO DISMISS CASE

I, Brian L. Budsberg, declare under penalty of perjury under the laws of the State of Washington:

1. I am the Court appointed Trustee in the above referenced Chapter 7 bankruptcy case. I have personal knowledge of the facts stated herein and am competent to testify to them. I am objecting the the Debtor's informal request to dismiss her case even though the Debtor has not set the motion for hearing. My intent is to provide additional information to the Court of issues involving the case, and will take further action if the Debot files a formal motion.

2. Susan Kay Brown (the Debtor) filed a bankruptcy petition and schedules on November 30, 2019. At the time of filing the Debtor was represented by counsel, Elle Ann Brown.

3. On her Schedule A/B (Docket No. 1, page 10-11), Debtor listed two real properties located at 653 N.E. Franklin Ave, Chehalis, WA 98532 and 10718 Edgewood Drive, Anderson Island, WA. For the first property, the value was estimated to be \$218,000.00, with a lien of \$76,114.00 and a homestead exemption of \$125,000.00. The second property was listed as

1 undeveloped, vacant land with a value of \$4,400.00, no liens and an exemption amount of  
2 \$2,110.00.

3 4. On March 2, 2020 I was contacted by the Internal Revenue Service (IRS) informing  
4 me there was an additional property associated with the Debtor that she failed to disclose on her  
5 bankruptcy petition, attached as **Exhibit A**. The address of the additional property is: 1327 Bishop  
6 Rd, Chehalis, WA 98532. The IRS has federal tax liens against both the Debtor's properties  
7 located in Chehalis, WA  
8

9 5. I contacted the Debtor's attorney and requested information on the address provided  
10 by the IRS. Debtor's Counsel informed me they spoke with their client, who claimed no ownership  
11 in the property.  
12

13 6. I requested a title report on the property, which is attached as **Exhibit B**. The report  
14 shows the Debtor purchased the property on February 10, 2015 and the the IRS filed a claim of  
15 lien against the Debtor on September 4, 2018. As I now considered this property to be a potential  
16 sellable asset in the case, I filed a motion to employ a realtor, which was approved on May 13,  
17 2020 (Dkt. 25).  
18

19 7. On May 15, 2020, Debtor's Counsel, Ellen Brown, filed a Motion to Withdraw as  
20 Attorney (Dkt. 26) citing that "the Debtor has been uncommunicative, unresponsive, and  
21 potentially incomplete in the information provided to us and we cannot effectively represent her  
22 without her assistance and accurate information in regard to her case". The motion was granted  
23 (Dkt. 29).  
24

25 8. At my request, the realtor delivered a notice to occupant at the address located at :  
26 1327 Bishop Rd, Chehalis, WA 98532, requesting them to call the realtor and informing them,  
27 the Trustee intended to sell the property. On June 8, 2020, the Debtor called the realtor and stated  
28  
29

1 she claimed she only owns the manufactured home on the property and not the land. The realtor  
2 advised the Debtor to call her attorney. The manufactured home the Debtor claims she is living in  
3 is not listed on her schedules and she is claiming a homestead exemption for the property located  
4 at 653 N.E. Franklin Ave, Chehalis, WA 98532.

5 9. On June 10, 2020 the Debtor filed a letter with the Court, requesting her case be  
6 dismissed (Dkt. 31). The Debtor states she only found out on June 10 that Ellen Brown withdrew  
7 as her attorney of record and claimed she “disclosed owning a trailer located at 1327 Bishop Rd  
8 after further investigation by the administrator courts I later found out that I own the property the  
9 trailer sits on and not just the trailer and now I am being told I was not forthcoming with all the  
10 information.” The Debtor states she was unaware of the circumstances and for those reasons is  
11 asking that the Court dismiss her case.  
12

13 10. I object to the Debtor’s request to dismiss the case. It seems disingenuous that the  
14 Debtor did not understand the purchase of the property located at 1327 Bishop Rd, nor the  
15 reaffirmation agreement she signed in January 2019. When Debtor’s counsel asked her about the  
16 property, after I informed them of the information provided by the IRS, the Debtor claimed to have  
17 no connection with the property at all. It was only upon learning that I intended to sell the property  
18 that the Debtor came forth and stated her interests in it.  
19

20 11. The Debtor has not amended her Schedules to list the property nor changed her  
21 claim of homestead exemption. I believe it is appropriate that I sell the property to pay valid  
22 claims of the Debtor. If this property is her homestead I will look at selling the other property once  
23 she changes her homestead exemption.  
24

25 Dated this 15<sup>th</sup> day of June, 2020.  
26  
27  
28  
29

CHAPTER 7 TRUSTEE

/s/ Brian L. Budsberg, WS #11225  
Brian L. Budsberg